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Attorneys for Plaintiff
TABITHA TOTAH

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA – OAKLAND DIVISION

TABITHA TOTAH,

Plaintiff(s),

v.

DONALD BIES and Does 1 – 100 Inclusive,

Defendant(s).

Case No.: CV 10-5956 CW

**STIPULATION TO DISMISS THE SECOND
CAUSE OF ACTION FOR FRAUD AND THE
THIRD CAUSE OF ACTION FOR
INTENTIONAL INFLICTION OF
EMOTIONAL DISTRESS WITH
PREJUDICE; ORDER REGARDING SAME**

Complaint filed: October 18, 2010

Plaintiff TABITHA TOTAH (Plaintiff) and Defendant DONALD BIES

(Defendant), by and through their counsel of record in this action, hereby stipulate as follows:

WHEREAS, on October 18, 2010, Plaintiff filed a Complaint in the Superior Court of California in and for the County of San Francisco entitled Tabitha Totah v. Donald Bies and Does 1-100 Inclusive (Case No. CGC-10-504699);

WHEREAS, on or about December 29, 2010, Defendant Donald Bies removed this case to the United States District Court for the Northern District of California.

WHEREAS, the Plaintiff and Defendant, through their respective undersigned counsel of record, hereby agree to dismiss with prejudice the Second Cause of Action for Fraud and the Third Cause of Action for Intentional Infliction of Emotional Distress, as pled in Plaintiff's Complaint;

NOW, THEREFORE IT IS HEREBY STIPULATED AND AGREED by and between the parties, through their respective undersigned attorneys of record, that the Plaintiff's Second Cause of Action for Fraud and the Plaintiff's Third Cause of Action for

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1 Intentional Infliction of Emotional Distress, as pled in Plaintiff's Complaint, are hereby
2 DISMISSED WITH PREJUDICE;

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4 **IT IS SO STIPULATED.**

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7 Dated: January 14, 2011

LAW OFFICES OF JOSEPH L. ALIOTO &
ANGELA ALIOTO and THE LAW OFFICES
OF JODY MEISEL
A Professional Corporation

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11 By: _____/s/

12 Jody Meisel
Attorneys for Plaintiff
13 TABITHA TOTAH

14 Dated: January 14, 2011

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17 By: _____/s/

18 Janine S. Simerly
Attorneys for Defendant
19 DONALD BIES

ORDER

Having reviewed the Stipulation executed by and between the parties hereto, through their respective attorneys of record, it is hereby ordered that the Plaintiff's Second Cause of Action for Fraud and the Plaintiff's Third Cause of Action for Intentional Infliction of Emotional Distress, as pled in Plaintiff's Complaint, are hereby DISMISSED WITH PREJUDICE.

IT IS SO ORDERED.

Dated: January 14, 2011

By: 
HONORABLE CLAUDIA WILKEN
UNITED STATES DISTRICT JUDGE

4821-7688-7304, v. 1